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OFFICE OF PETITIONS

In re Application of
Adam D. Sah
Application No. 09/834,856
Filed: April 12, 2001
Attorney Docket No. 004055.P008

ON PETITION

This is a decision on the petition filed, January 30, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed June 23, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 24, 2006. The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on January 30, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1020 extension of time submitted with the petition on January 30, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. This matters is being referred to Technology Center AU 2621 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions